



State and Consumer Services Agency – Edmund G. Brown Jr., Governor

BOARD OF BARBERING AND COSMETOLOGY

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**CALIFORNIA STATE BOARD OF
BARBERING AND COSMETOLOGY**

Agenda Item 5

MINUTES OF MARCH 19, 2012

**2420 Del Paso Road
Sequoia Room, 1st Floor
Sacramento, CA 95834**

Additional Locations:

**5385 Camp 8 Road
Paso Robles, CA 93446**

**1067 Folsom, 2nd Floor
San Francisco, CA 94103**

**1299 Old Bayshore Highway, Suite 118
Burlingame, CA 94010**

**12501 East Imperial Highway, Suite 601
Hearing Room C, 6th Floor
Norwalk, CA 90650**

BOARD MEMBERS PRESENT

Christie Truc Tran, President
Joseph Federico, Vice President
Wen Ling Cheng
Frank Lloyd
Richard Hedges
Deedee Crossett
Katie Dawson

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Gary Duke, Legal Counsel
Tandra Guess, Staff Analyst

1. Agenda Item #1, Call to Order/Roll Call

Ms. Underwood called roll at 10:00 a.m. As she was in the Sacramento office, Ms. Tran asked her to conduct the meeting.

2. Agenda Item, #2, Discussion and Vote on Position on Assembly Bill No. 1754, Makeup Artistry

Ms. Underwood provided a background on Assembly Bill 1754. It is being proposed to allow for a voluntary makeup certification. Ms. Underwood then encouraged comment from the board members.

Mr. Hedges stated he has reviewed the bill very carefully and had some concerns. He was concerned about the cost in reimbursing local communities for enforcement of the criminal aspect of the bill. The Board would have to provide this money if the state would not pay for it. He had some concerns about enforcement of the law as it was not clear in the bill. The schooling and apprenticeship program were not clear in how they would be handled and who would oversee them. However, he did believe the bill would allow other infractions such as unlicensed activities to be treated as a crime which would make it easier to bring people into compliance.

Mr. Hedges questioned self-certification and wondered how it could be enforced. Past experience would be difficult to judge.

Mr. Federico liked the intent of the bill but felt the content was unclear. He was concerned about consumer protection and did not feel there was enough oversight in the bill.

Ms. Crossett believed there was a health and safety issue with the bill. The curriculum only focused 5 hours on bacteriology and 5 hours on anatomy. She believed the possibility of harm or disease was higher than most people thought. She did not feel the amount of time spent on health and safety was enough to protect the consumer. She felt it was a good course for someone who wanted to learn about makeup and be a makeup artist.

Ms. Crossett noted local makeup schools could potentially benefit from this license but are not supportive of the bill.

Mr. Lloyd agreed with the previous comments. He felt the bill would have an impact on the staff which would be difficult with hiring cuts.

Public Comment

Manhal Mansour is the CEO of a boutique cosmetic company. He is an advocate for makeup artists and has been involved with the bill. He noted makeup artists now had nothing and were unable to work in salons or events. He believed wedding work is now done by unlicensed makeup artists. He felt the bill provided the opportunity for makeup artists to work legally. He addressed some of the concerns brought up by the Board Members. He believed the state approved makeup schools would work with state approved cosmetology schools. He agreed the bill is rough and needs

refinement and hoped the Board and other artists could come together to improve it. He agrees with the apprenticeship program and noted the hours are proposed but were excessive. He proposed to amend the bill to 515 hours (versus 680). He believed if the experts felt safety and sanitation needed to be better addressed that it should be done. He discussed self-certification and explained they did not want to burden the Board with opening more testing facilities for makeup artists. There were various accredited schools in the state that could be trusted to administer a test and certify the completion and passing. Mr. Mansour concluded by stating that the makeup artists only wanted an opportunity to work and were open to amending the bill according to the experts, including the Board. The bill has a three year review after its passage.

Mr. Hedges would like to discuss at a future board meeting the possibility of adding more hours to the esthetician license in makeup artistry and permanent makeup.

Ms. Crossett agreed this should be discussed further. She believed the esthetician license covered the needed hours in health and safety for the consumer. She believed adding curriculum and hours for advanced training should be discussed. She believed there is working opportunities for unlicensed makeup artists. If they prefer to work in a salon, they could earn the aesthetician license. She noted there were hours in makeup artistry in aesthetics but it depended on the program how detailed it is. She believed most schools wanted to provide a well rounded curriculum to offer their students more opportunities to find employment.

Mr. Hedges believed it would be beneficial to speak with the author of the bill to add hours and curriculum requirements for the esthetician. This would be more manageable for the Board.

Ms. Crossett cited in New York they developed an add-on to an existing license that required more hours.

Ms. Cheng believed the main goal of the Board is to create job opportunity and monitor compliance. She believed existing curriculums should be modified.

Fred Jones of the Professional Beauty Federation of California (PBFC) believed the intent behind the bill is positive. He was opposed to unnecessary hurdles that could lead to unlicensed activity. He believed the timing was wrong and did not believe the legislature had enough time to thoroughly review the bill in this session. This could lead to the inability to have a thorough discussion and possible amendment. His association was concerned about giving sole regulatory oversight to the schools under the Board and BPPVE. This may lead to contradictions and undermining of the credibility of the law. He hopes the Board would gain complete control over schools it has approved. He is concerned about creating a new school with new responsibilities, without accompanying resources. He hopes this issue will be addressed in 2013 when the Board is scheduled for sunset review. He believed the current bill was premature.

Andrew Poules is the owner of Diva International Salon in San Francisco. He stated he has difficulty finding makeup artists. He typically hires cosmetologists but they want to work on the floor within a few months and there is no room. He supports the bill and

feels it would allow him to expand his business and the ability to provide workers' compensation, medical and vacation time to his employees without difficulty.

Tanja Hrast is a freelance makeup artist from Los Angeles. She stated she has difficulty finding steady work as she cannot legally be employed in a salon or work at weddings. She felt the bill would greatly benefit her and her colleagues. She stated she focuses on health and safety of her clients in the entertainment industry. This is vital to her work.

Harold Boyd Jr. is a representative with Pigment Cosmetics in Sacramento. He stated the bill began the previous year and took in a lot of comments. He hopes the Board would now offer their comments and suggestions for amendments. It was clear there were a lot of concerns including jobs and compliance. He hopes everyone could work together to amend the bill and continue the legislative process.

Ms. Dawson expressed her concerns about the voluntary certification. She stated the Board was being asked to legitimize the work without giving it the authority to regulate it. She would strongly support changes in the curriculum to have makeup artistry included but believed it should be done during sunset review. She did not believe the current bill included enough consumer protection.

Sherilyn Ada at Marinello Schools of Beauty agreed the bill's intent was positive but feels there are too many issues that are not covered. She noted there were numerous people who have withdrawn support from the bill including makeup schools. She agreed waiting until the sunset review to look at expanding the esthetician curriculum. She believed the cost would be too overwhelming at this time.

Mr. Hedges made the motion that the Board oppose the current bill and extend an invitation to the author to work with the Board to include his ideas within the curriculum for the aesthetician. He recommended they then go to the Legislature united. Mr. Federico seconded the motion. The motion passed by a roll call vote of 7-0.

Public Comment Not on the Agenda

Kathy Don stated her license expires March 30. She works in a nail salon owned by her sister who is unlicensed and has never worked in the salon. She had various questions to ask the Board staff with regard to licensing her sister's salon. Mr. Duke stated this was a very individualized situation and recommended it be dealt with by staff after the meeting.

3. Agenda Item #3, ADJOURNMENT

With no further business, the meeting was adjourned.